IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BRUCE FERRELL	
Plaintiff,) Civil Action No. 06 - 484
v.	Chief Judge Donetta W. AmbroseMagistrate Judge Lisa Pupo Lenihan
JEFFREY A. BEARD, Secretary, and JOHN DOE Director of Bureau of Health Care, Sued in Official and individual capacities under state color of law.afore said defendants are moving forces of the deprivation citing the))))
pendant jurisdiction of the court Defendants.)))

<u>ORDER</u>

The above captioned case was initiated on April 12, 2006 by the filing of a Motion to Proceed In Forma Pauperis (Doc. No. 1) accompanied by a Complaint. It was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation (Doc. No. 2), filed on April 20, 2006, 2005, recommended that Plaintiff's motion to proceed in forma pauperis (Doc. No. 1) be denied in accordance with 28 U.S.C. § 1915 (g) and that this action be dismissed for Plaintiff's failure to pay the filing fee, with the right of Plaintiff to reopen the case by paying the full filing fee of \$350.00 within sixty (60) days. The Plaintiff was served at S.C.I. Fayette, Box 9999, LaBelle, PA, 15450. The Plaintiff was advised he was allowed ten (10) days from the date of service to file written objections to the report and recommendation. Plaintiff filed a

"Submission of Objections to the Magistrate Judge's Report and Recommendation" (Doc. No. 4) on May 9, 2006. Plaintiff's objections were found to be without merit. After review of the pleadings and documents in the case, together with the report and recommendation and the objections thereto, the following order is entered:

AND NOW, this ______day of _______, 2006;

IT IS HEREBY ORDERED that Plaintiff's Motion to Proceed In Forma

Pauperis (Doc. No. 1) is DENIED.

IT IS FURTHER ORDERED that this action is DISMISSED for Plaintiff's failure to pay the filing fee. Plaintiff retains the right to reopen the case by paying the full filing fee of \$350.00 within sixty (60) days of this order.

IT IS FURTHER ORDERED that the Report and Recommendation (Doc. No.

2) of Magistrate Judge Lenihan, dated April 20, 2006, is adopted as the opinion of the court.

This case is Clased.

Dated:

By the Court:

Donetta W. Ambrose

Chief United States District Judge

cc: Lisa Pupo Lenihan

United States Magistrate Judge

Bruce Ferrell EC-7373 SCI Fayette Box 9999

LaBelle, PA 15450-0999